

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:)	CHAPTER 13
)	
EBONY T. JOHNSON,)	
)	
Debtor	)	CASE NO. 19-12324-ELF
-----)	
CAPITAL ONE AUTO FINANCE,)	
A DIVISION OF CAPITAL ONE, N.A.	)	<u>HEARING DATE:</u>
Movant	)	Tuesday, November 5, 2019
	)	9:30 a.m.
vs.)	
)	
	)	<u>LOCATION:</u>
EBONY T. JOHNSON, Debtor, and	)	U.S. Bankruptcy Court
MAURICE RENTIE, Codebtor	)	Eastern District of Pennsylvania
	)	Courtroom # 1
and	)	900 Market Street
WILLIAM C. MILLER,	)	Philadelphia, PA 19107
Trustee)	

STIPULATION

COME NOW, this day of , 2019, debtor *Ebony T. Johnson*, and non-filing codebtor, Maurice Rentie, through Debtor's attorney, *David M. Offen, Esquire*, and Capital One Auto Finance, a division of Capital One, N.A. ("COAF") by and through its attorneys, Mester & Schwartz, P.C., hereby stipulate the following terms of settlement of the Motion for Relief from the Automatic Stay:

WHEREAS the Debtor and Codebtor own a 2010 BUICK Lacrosse Sedan 4D CXL AWD, V.I.N. 1G4GD5EG4AF226610 ("vehicle"); and

WHEREAS COAF filed a Motion for Relief from the Automatic Stay ("Motion") with respect to missed post-petition payments; and

WHEREAS the Debtor has filed a Response to the Motion; and

WHEREAS the Debtor and COAF seek to resolve the Motion; it is hereby stipulated and

agreed that:

1. The owed balance is \$3,982.98 with respect to the vehicle, plus \$306.00 in attorney's fees and costs as of November 5, 2019.
2. The Debtor shall move to confirm an amended Chapter 13 plan providing payment of the remaining owed balance, totaling \$4,288.98.
3. If Debtor shall fail to have a plan conforming to this Stipulation and Debtor fails to cure said default within fifteen (15) days after notice by COAF (or its counsel) of said default, counsel for COAF may file a Certification of Default with the Court setting forth Debtor's default and COAF shall be granted relief from the automatic stay provisions of Section 362 and 1301 of the Bankruptcy Code (11 U.S.C. §§ 362 & 1301), and COAF is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law without regard to any future conversion of this matter to a different form of bankruptcy.
4. In the event Debtor converts to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtor shall pay the balance due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtor fails to make payment in accordance with this paragraph, then COAF, through counsel, may file a Certification of Default setting forth said failure and COAF shall be granted relief from the automatic stay provisions of Section 362 and 1301 of the Bankruptcy Code (11 U.S.C. §§ 362 & 1301) and COAF is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law.
5. The failure by COAF, at any time, to issue a Notice of Default or file a Certification of Default upon default by the Debtors shall not be construed, nor shall such failure act, as a waiver of any of COAF's rights hereunder.

6. COAF shall send the title to the debtor upon receipt of the total of \$4288.98 as listed in paragraph 2 above.

7. This Stipulation is a supplement and in addition to the Contract between the parties and not in lieu thereof.


8. Facsimile signatures shall be accorded the same force and effect as an original signature, and may be submitted to the Court.

BY THE COURT:

Eric L. Frank
U.S. BANKRUPTCY JUDGE

Balance:	\$ 3,982.98
Counsel Fees:	\$ 306.00
Total:	\$4,288.98

Capital One Auto Finance,
a division of Capital One, N.A.
By Counsel: Mester & Schwartz, P.C.

By: 

Jason Brett Schwartz, Esquire
Mester & Schwartz, P.C.
1333 Race Street
Philadelphia, PA 19107
(267) 909-9036

DATED: 11/18/19

Seen and agreed to -- We hereby consent to the form and entry of the foregoing Order.

Debtor: Ebony T. Johnson

By Counsel for Debtor: David M. Offen, Esquire

By: 

David M. Offen, Esquire
The Curtis Center
601 Walnut Street
Suite 160 West
Philadelphia, PA 19106
(215) 625-9600

DATED:

Chapter 13 Trustee

By: _____

William C. Miller, Trustee
Chapter 13 Trustee
P.O. Box 1229
Philadelphia, PA 19105
(215) 627-1377

DATED: